

AU

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JUAN FLORES & ANITA FLORES,)
Plaintiffs,)
v.)
VILLAGE OF BENSENVILLE, et al.,)
Defendants.)

No. 00 C 4905
Paul E. Plunkett, Senior Judge

MEMORANDUM OPINION AND ORDER

On October 28, 2005, the Seventh Circuit Court of Appeals entered judgement affirming this Court's March 25, 2003 final judgement in favor of Village of Bensenville, et al. ("Defendants"). Pursuant to Federal Rule of Civil Procedure ("Rule") 54(d), on May 5, 2003, the Court awarded attorneys fees and costs to Defendant in the amount of \$4,367.86. Defendants now seek to recoup an additional \$475 from Juan and Anita Flores ("Plaintiffs") for the costs incurred to prepare Defendants' appellate brief. For the following reasons, Defendants may recover \$59.38 in addition to the statutory costs already deemed awarded. Therefore, Defendants are entitled to recover costs in the total amount of \$4,427.24.

Discussion

The costs recoverable under Rule 54(d) are circumscribed by statute and include:

- (1) Fees of the clerk and marshal;

- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court-appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

28 U.S.C. § 1920.

We may award costs under Rule 54(d) if there is statutory authority for them and they are reasonable and were necessary to the litigation. The costs Defendants seeks to recover for photocopies of court documents are authorized by the statute and were necessary to the litigation. The only question then is whether they are reasonable.

In general, a defendant may recover costs for two copies of briefings filed with the court and one copy for opposing counsel. *See Rogers v. City of Chicago*, No. 02-C2227, 2002 WL 423723, at *5 (N.D. Ill. Mar. 15, 2002). Defendants seek \$475.00 for reproducing twenty-four copies of Defendants' brief before the appellate court. Defendants have not provided the Court a receipt detailed enough to show how many pages the brief is and the copy cost for each page, nor have they provided any information as to why twenty-four copies were needed. Because we are able to award costs for a total of three copies, we will, therefore, award only one-eighth of the requested amount of \$475.00 for these documents, reducing the award to \$59.38.

Conclusion

Based upon the foregoing, the Court awards Defendants \$59.38 in addition to the \$4,367.86 that was previously awarded by this Court on May 5, 2003.

ENTER:



SENIOR UNITED STATES DISTRICT JUDGE

DATED: JAN 9 2006